



Speech by

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MEMBER FOR GLASS HOUSE

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CRIMINAL HISTORY SCREENING LEGISLATION AMENDMENT BILL; DISABILITY SERVICES (CRIMINAL HISTORY) AMENDMENT BILL

Mr POWELL (Glass House—LNP) (5.26 pm): I rise to contribute to the cognate debate on the Criminal History Screening Legislation Amendment Bill and the shadow minister's Disability Services (Criminal History) Amendment Bill. It is a tragic day when we must devote nearly 550 pages of legislation to amending the systems designed to protect our children and our most vulnerable members of society. It is a sad indictment on the world we live in that these are the steps we must take to ensure certain individuals are prohibited from interacting with our children, our sick and our disabled. I sorely wish there was another way—a way that did not impinge or intrude so abruptly and completely on the rights and liberties of so many true, upstanding citizens, a way that did not overrule their rights to privacy, a way that did not create potential limitations over their employment opportunities.

Whilst I would hope a better resourced police force or corrective services or child protection services would negate the need for blue cards, yellow cards and teacher or police registration, I know it would not. So a form of criminal history screening has necessarily become an inevitable burden on law-abiding Queenslanders. The challenge now is to make that system as robust and foolproof as possible, whilst maintaining a level of simplicity that ensures the more than 500,000 history checks that are processed are done so expeditiously and with sensitivity.

I am pleased to say that both bills we are debating today achieve that. The Criminal History Screening Legislation Amendment Bill seeks to do so through reducing the duplication of such screening processes and by increasing the consistency across the screening regimes. The Disability Services (Criminal History) Amendment Bill seeks to address the protection needs of people with disabilities by ensuring they are not placed in the care of an employed carer with a violent criminal history.

If I spend a moment considering the first of these bills—the government's screening bill—I acknowledge the efforts to reduce undue bureaucracy and red tape. It does this by the following: by allowing registered teachers and police officers to apply for an exemption from holding a blue card when providing child regulated services which are outside of their professional duties; by recognising the blue card and corresponding criminal history check of new applicants for teacher registration; by allowing exemptions for blue card holders requiring yellow cards; by automatically exempting registered health practitioners from requiring blue or yellow cards when providing services to children and adults with disabilities as part of their professional duties; by extending the renewal period for blue and yellow cards from two years to three years; by aligning the exclusionary framework of the blue card, yellow card and registration systems as much as possible; by increasing the ability within the blue and yellow card systems to access certain criminal information; and by amalgamating certain screenings into the blue card system.

As I said, each of these steps are commendable. I honestly hope that this will reduce the number of checks undertaken by the touted 100,000 in the first three years. I know that my former colleagues and many across the child protection sector—particularly those in the central screening unit—will let out a collective acclamation of joy. I know that many will rejoice at the potential improvements in processing times this will deliver. I appreciate this will also reduce costs on the various government agencies and certainly in the case of paid employees requiring a blue card.

Mr POWELL (Glass House—LNP) (7.30 pm): As I was saying, all of these elements are worth while, but I cannot help feeling what could have happened if only the government had taken the process one step further. This amendment bill only amends the three separate criminal history screening processes. It does not revolutionise them. It does not deliver a single streamlined approach to ensuring individuals with inappropriate criminal histories are prevented from working with our most vulnerable. There was an opportunity here to produce one system that had in-built flexibility to ensure the various sectors—be they child care, child protection, education, disability, health or policing—were all appropriately accommodated.

This amendment still relies on extensive cross government, cross agency communication. No matter how much a government can claim to operate within a whole-of-government approach, when you are dealing across layers of bureaucracy, when you are dealing with multiple criminal recordings, gaps will occur, mistakes will be made. Sure, this bill will reduce the likelihood of such to some extent but it could have achieved more.

Whilst I support the government's bill, I am also disappointed it did not take the opportunity to strengthen the protection to our most vulnerable. It is clearly about the applicant—the individual requiring the criminal history check—and the government agencies that must undertake them. As commendable as this is, it is not about the children we are trying to protect or the adults with disabilities who need certainty and safety in their care. This is why I also support the shadow minister's bill.

The Disability Services (Criminal History) Amendment Bill would raise the bar with regards to criminal history screening for nonfamilial disability carers. It would implement an automatic disqualification from employment in such a role for someone with a criminal conviction or charge for a violent offence in the last seven years. Quite simply, people who have violent histories should not and will not be placed in a position of responsibility over vulnerable people.

The shadow minister has previously enunciated a range of cases that could have been prevented had this piece of legislation already been in place. In short, it is a necessary improvement to the protective system as it pertains to the care of adults with disabilities. As I said earlier, it is tragic that we must implement such a cumbersome and restrictive system on what is by far a predominantly law-abiding citizenry. It is my hope that both of the bills when passed will streamline and strengthen that system to make it less cumbersome and more effective in protecting the most vulnerable in our society. I commend the bills to the House.